

## REMARKS

Applicants intend this response to be a complete response to the Examiner's **24 January 2005** Non-Final Office Action. Applicants have labeled the paragraphs in his response to correspond to the paragraph labeling in the Office Action for the convenience of the Examiner.

### *Rejections Under 35 U.S.C. §112, ¶1*

**Claims 1-24** stand rejected under 35 U.S.C. § 112, ¶1 as based on a disclosure which is not enabling.

The Examiner contends:

The method without extraction and separation steps, which are critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). The contacting step alone would not produce a clean material. The contacting step would only produce a mixture of the fluid, the material, and contaminants. The essential steps needed to produce a clean material or different products are not included in the claims.

Applicants have canceled claim 1 and added new claim 25.

### *Rejections Under 35 U.S.C. §112, ¶2*

**Claims 2, 11, 18 and 22** stand rejected under 35 U.S.C. § 112, ¶2 as being indefinite.

Applicants have amended claim 2 to remove the term "comprising" after "consisting of," and Applicants have canceled claims 11, 18 and 22. Applicants, therefore, respectfully request withdrawal of this § 112, ¶2 rejections. Applicants also note that this amendment is not a narrowing amendment as it merely removes a word that is inconsistent with the term "selected from the group consisting of."

**Claims 14-16** stand rejected under 35 U.S.C. § 112, ¶2 as being indefinite.

Applicants have amended claims 14-16 to reference claim 25. Applicants have added new claims 26-37, which are analogous to claims 14 through 16, but reference claims 5, 7, 8 and 9, respectively. Applicants believe that these amendments remove any § 112, ¶2 rejections and respectfully request withdrawal of same. Applicants also point out that the claims are not narrowed because they refer to products of the method from which they are derived.

### *Rejections Under 35 U.S.C. §102*

**Claims 1-2, 4-11, 13-18, 20-22, and 24** stand rejected under 35 U.S.C. § 102(b) as being anticipated by the CFSI article. Applicants traverse and respectfully request reconsideration based on the above claim amendments, if any, and the remarks presented herein.

Applicants have canceled claims 1, 10-13 and 17-24, obviating this rejection as it pertains to these claims. Applicants have added new claim 25. New claim 25 includes a tubular reactor not disclosed in the CFSI article. Because the method of claim 25 is not identically disclosed in the CFSI article, the CFSI article cannot anticipate claim 25 and its dependents. Applicants, therefore, respectfully request withdrawal of this §102(b) rejection.

***Rejections Under 35 U.S.C. §103***

**Claims 3, 12, 19 and 23** stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the CFSI article. Applicants traverse and respectfully request reconsideration based on the above claim amendments, if any, and the remarks presented herein.

The Examiner contends:

The CFSI teaches the claimed method except for the use of a mixture of carbon dioxide with other disclosed fluids. However, it would have been obvious to an ordinary artisan at the time the invention was made to use a mixture of the disclosed fluids with reasonable expectation of adequate results in order to more completely remove contaminants using different solubility properties of the different fluids.

Applicants have canceled claims 1, 10-13 and 17-24, obviating this rejection as it pertains to these claims. Applicants have added new claim 25. New claim 25 describes a method that is not disclosed, taught or suggested in the CFSI article. The reactor system is not disclosed, taught or suggested in the CFSI article, nor is the solids removal venturi valve associated with the first separation vessel. Because the CFSI article does not disclose, teach or suggest the method of claim 25 especially with the tube, within a tube, within a tube reactor design having a semi-permeable membrane for water and aqueous contaminant removal, Applicants request withdrawal of this §103(a)

Having fully responded to the Examiner's Non-Final Office Action, Applicant respectfully urges that is application be passed onto allowance. If it would be of assistance in resolving any issues in this application, the Examiner is kindly invited to contact applicant's attorney Robert W. Strozier at 713.977.7000

Date: **March 16, 2005**

Respectfully submitted,

  
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